

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JARROD B. FOSTER, et al.,

Plaintiffs,

v.

No. CV 15-1047 CG/KRS

NOVA HARDBANDING, LLC, et al.,

Defendants.

ORDER GRANTING JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT

THIS MATTER is before the Court on the parties' *Joint Motion to Approve Confidential Settlement and Release*, (Doc. 108), filed June 22, 2017. In their Motion, the parties ask the Court to approve their Confidential Settlement Agreement and Release (Doc. 108-1) ("Settlement Agreement"), and to retain jurisdiction over this matter to enforce the terms of the Settlement Agreement. The Court, having reviewed the Motion and attached Settlement Agreement, and noting that the Motion is unopposed, finds that the motion is well-taken and should be **GRANTED**.

When employees file suit against their employer to recover back wages under the Fair Labor Standards Act ("FLSA"), the parties must present any proposed settlement to the district court for review to determine whether the settlement is fair and reasonable. See *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir.1982). To approve an FLSA settlement, the Court must find that the litigation involves a *bona fide* dispute and that the proposed settlement is fair and equitable to all parties concerned. See *id.* at 1354. The Court finds that the settlement of this action, as described in the parties' Settlement Agreement, is: (1) fair to all parties; (2) reasonably resolves a *bona fide* disagreement between the parties concerning the merits of the

claims asserted in the action; and (3) demonstrates a good faith intention by the parties that Plaintiffs' claims be fully and finally resolved.

IT IS THEREFORE ORDERED that the parties' *Joint Motion to Approve Confidential Settlement and Release*, (Doc. 108) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' claims are **DISMISSED** with **prejudice**. If the parties require the Court's involvement to enforce any part of the Settlement Agreement, they may file a motion in this case at that time.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE